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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,327	11/21/2003	Kenneth F. Fennewald	7377-000005/US	2615
28997	7590	02/24/2006	EXAMINER	
HARNESS, DICKEY, & PIERCE, P.L.C. 7700 BONHOMME, STE 400 ST. LOUIS, MO 63105			FASTOVSKY, LEONID M	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/719,327	FENNEWALD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Leonid M. Fastovsky	3742	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 30 December 2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 6-13 and 15-25 is/are pending in the application.  
 4a) Of the above claim(s) 12,15-18 and 24 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 6-11,13,19-23 and 25 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 13 November 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-8, 11, 19-23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin et al (2001/0014373) in view of Braeutigam et al (EP745919) and evidenced by Takahashi (JP04206602).

Lin discloses a heater comprising a substrate 102, a DC power source 50 (col. 9, lines 31-40)), at least one dielectric layer 106 and at least one thick film resistive layer 106 having inherently adjustable temperature coefficient of resistance (TCR) because it is made from Ag/Pd, the same material of the heater as is evidenced by Takahashi (Abstract), thus the resistive layer is a heater element and a temperature sensor, but does not disclose how the temperature is adjusted and a two-wire controller.

Braeutigam discloses a method of regulation of a system including a heater element 8 also used as a temperature sensor, the resistance of which varies as a function of temperature of the heating element, by sensing the resistance, the temperature of the heater 12 can be determined and controlled by a two wire circuit 2 and a generator 3 (Abstract and Fig. 1-2).

It would have been obvious to one having ordinary skill in the art to modify Lin's invention to include a temperature controller as taught by Braeutigam, wherein the

controller determines temperature of the heater using the resistance of the resistance layer and controls the heater temperature accordingly.

As for claims 8, it would have been obvious to one having ordinary skill in the art to modify Lin's invention to use an AC control as an alternative source if the DC source is not available

As for claim 11, Lin discloses a microprocessor 90a and comparator 102 (col. 10, lines 10-50).

As for claim 19, Lin in view of Braeutigam can use the method of operating the heater as taught by Braeutigam because they disclose all structural elements of the invention and are capable of so perform.

As for claims 20-23, it would have been obvious to one having ordinary skill in the art to modify the invention of Lin in view of Braeutigam to include calibration steps as conventional steps in order to better control the heater temperature.

3. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Braeutigam and further in view of Lumsden.

Lin in view of Braeutigam discloses substantially the claimed invention, but does not disclose a controller having an angle firing and a shunt resistor. Lumsden teaches a controller 8 comprises an angle firing (col. 7, lines 1-10) and shunt resistor (col. 10, lines 6-17). It would have been obvious to one having ordinary skill in the art to modify the invention of Lin in view of Braeutigam to include a controller comprising an angle firing and a shunt resistor for efficiency-maximization of the controller current as taught by Lumsden (col. 7, lines 1-13).

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lin in view of Braeutigam and further in view of Waggoner et al. Lin in view of Braeutigam discloses substantially the claimed invention, but does not disclose a controller with firmware. Waggoner teaches a heater resistor having a controller 80 comprising firmware. It would have been obvious to one having ordinary skill in the art to modify the invention of Lin in view of Braeutigam to include a controller comprising firmware in order to control various functions as taught by Waggoner (col. 2, lines 63-67).

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Response to Arguments***

6. Applicant's arguments with respect to claims 6-11, 13, 19-23 and 25 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid M Fastovsky whose telephone number is 571-272-4778. The examiner can normally be reached on M-Th. 8.00 am -6.00 pm.

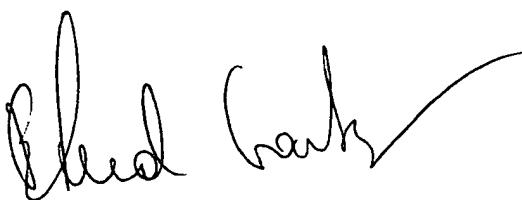
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leonid M Fastovsky  
Examiner  
Art Unit 3742

lmf



EHUD GARTENBERG  
SUPERVISORY PATENT EXAMINER

